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EXTRAORDINARY

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PART II—Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह प्रलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following bills were introduced in Lok Sabha on the 6th January, 1976 :—

BILL No. 2 OF 1976

A Bill to provide for the establishment of a Board for the creation of a reservoir at Rajghat by construction, on behalf of the Government of Madhya Pradesh and Uttar Pradesh, of a dam on the Betwa river at Rajghat and for the regulation of such reservoir.

Be it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Betwa River Board Act, 1976.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, after consultation with the Governments of Madhya Pradesh and Uttar Pradesh, by notification in the Official Gazette, appoint.

2. It is hereby declared that it is expedient in the public interest that the Central Government should take under its control the regulation and development of the inter-State Betwa River and River Valley to the extent hereinafter provided.

Declaration as to expediency of control by the Union. Definitions.

3. In this Act, unless the context otherwise requires,—

(a) "Board" means the Betwa River Board established under section 4;

(b) "Chairman" means the Chairman of the Board;

(c) "Executive Committee" means the Executive Committee constituted under section 5;

(d) "member" means a member of the Board and includes the Chairman;

(e) "prescribed" means prescribed by rules made by the Central Government under section 22;

(f) "Rajghat Dam" means the Dam described in the Schedule;

(g) "Rajghat Reservoir" means the reservoir created by the construction of the Rajghat Dam;

(h) "regulations" means regulations made by the Board under section 23;

(i) "rules" means rules made by the Central Government under section 22.

CHAPTER II

ESTABLISHMENT OF THE BOARD

Establishment and incorporation of the Betwa River Board.

4. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purposes of this Act, a Board to be called the Betwa River Board.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

(3) The Union Minister in charge of Irrigation shall be the Chairman of the Board and the other members of the Board shall be the following, namely:—

(a) the Chief Ministers of Madhya Pradesh and Uttar Pradesh,

(b) the Ministers of Madhya Pradesh and Uttar Pradesh in charge of Finance and Irrigation:

Provided that when a proclamation made under article 356 of the Constitution is in force in relation to the State of Madhya Pradesh or Uttar Pradesh, the Central Government may appoint three persons to represent such State on the Board and the persons so appointed shall vacate their offices upon the revocation or cesser of operation of such proclamation.

(4) The Board may permit any officer of the Central Government or the Government of Madhya Pradesh or Uttar Pradesh to attend any of its meetings and take part in the proceedings but such officer shall not be entitled to vote.

(5) The Board may associate with itself, in such manner and for such purposes as may be determined by regulations, any person whose assistance or advice it may desire in complying with any of the provisions of this Act and a person so associated shall have the right to take part in the discussions of the Board relevant to the purpose for which he has been associated, but shall not be entitled to vote.

5. (1) The Central Government may, by notification in the Official Gazette, constitute an Executive Committee consisting of officers of that Government and officers of the Governments of Madhya Pradesh and Uttar Pradesh.

Executive
Commit-
tee.

(2) The composition of the Executive Committee shall be such as may be prescribed:

Provided that—

(a) an officer of the Central Government shall be the Chairman of the Committee;

(b) the Governments of Madhya Pradesh and Uttar Pradesh shall have equal representation.

(3) Subject to the general superintendence and control of the Board, the management of the affairs of the Board shall vest in the Executive Committee and the Chairman and other members of the Committee shall assist the Board in such manner as the Board may require.

(4) Subject to the rules, and to the directions of the Board, the Executive Committee may exercise any power and do any act or thing which may be exercised or done by the Board.

(5) The procedure to be followed by the Executive Committee and all other matters relating to the Executive Committee shall be such as may be prescribed.

6. No act or proceeding of the Board or the Executive Committee shall be invalidated by reason of—

(a) any vacancy in the Board or the Executive Committee;

(b) any defect in the composition of, or in any appointment to, the Board or the Executive Committee;

(c) any irregularity in the procedure of the Board or the Executive Committee not affecting the merits of the case.

Vacancies,
etc, not
to invali-
date pro-
ceedings
of the
Board
or the
Execu-
tive Com-
mittee.

7. (1) The Central Government may, after consultation with the Government of Madhya Pradesh and Uttar Pradesh, appoint an Engineer (to be the Chief Engineer of the Board and to be known as the Chief Engineer, Rajghat Dam Project), and a Financial Adviser, and a Secretary, to the Board from amongst the officers of the Governments of Madhya Pradesh and Uttar Pradesh:

Chief
Engineer
and
Financial
Adviser.

Provided that the Central Government shall, so far as practicable, ensure that officers from the same State do not hold the posts of Chief Engineer and Secretary at the same time.

(2) Subject to the general superintendence and control of the Board and the Executive Committee, the Chief Engineer of the Board appointed under sub-section (1) shall be the Chief Executive Officer of the Board and shall exercise and discharge—

(a) such powers and duties as may be prescribed or as may be delegated to him by the Board;

(b) such other powers and duties as may be determined by regulations.

(3) The Financial Adviser appointed under sub-section (1) shall be the Chief Accounts Officer of the Board.

(4) The terms and conditions of service of the Chief Engineer of the Board, and of the Financial Adviser, and the Secretary, to the Board shall be such as may be prescribed.

Other
officers
and em-
ployees
of the
Board.

8. (1) Subject to the rules, the Board may appoint such officers and employees as it may deem necessary for the efficient discharge of its functions:

Provided that the Board shall, as far as practicable, utilise the services of the officers and employees offered by the Governments of Madhya Pradesh and Uttar Pradesh in such a manner that equal representation is given to the two States.

(2) The terms and conditions of service of the officers and employees of the Board shall be such as may be determined by regulations.

Advisory
Commit-
tees.

9. Subject to the rules, the Board may from time to time, constitute one or more Advisory Committees to assist the Board and the Executive Committee in the efficient discharge of their functions.

CHAPTER III

FUNCTIONS AND POWERS OF THE BOARD

Functions
of the
Board.

10. Subject to the other provisions of this Act and the rules, the Board may, if satisfied that the Governments of Madhya Pradesh and Uttar Pradesh have complied with or arranged to comply with the conditions specified in section 11,—

(a) carry out surveys and investigations in the Betwa Inter-State river valley and prepare a comprehensive project report for the construction of Rajghat Dam and appurtenant works and finalise the same after consulting the Governments of Madhya Pradesh and Uttar Pradesh and taking into account the suggestions if any made by those Governments;

(b) prepare detailed reports and estimates in respect of the Project and allocate the cost among the Governments of Madhya Pradesh and Uttar Pradesh;

(c) draw up standards and specifications for implementation of the project and for the maintenance thereof;

(d) construct the Rajghat Dam and the common carrier from the dam to irrigate areas in Madhya Pradesh and Uttar Pradesh;

(e) lay down rules of operation and management of Rajghat dam,

(f) perform any other function which is supplemental, incidental, or consequential to all or any of the functions specified in clauses (a) to (e).

11. (1) The exercise by the Board of the functions specified in section 10 shall be subject to the following conditions, namely:—

Condi-
tions
subject
to
which
the
Board
may exer-
cise its
functions.

(i) that the Governments of Madhya Pradesh and Uttar Pradesh shall at all times make, to the satisfaction of the Board, suitable provisions as to the moneys, land facilities and electrical power for construction and all other things required by the Board;

(ii) that the liability for the entire expenditure on the Rajghat Dam including appurtenant works and all other expenditure incurred by the Board in the discharge of its functions shall be shared by the Governments of Madhya Pradesh and Uttar Pradesh in such proportion as may be specified by the Board:

Provided that the Board may specify different proportions for different works or matters having regard to the benefits which may accrue to the States and other relevant factors;

(iii) that the Governments of Madhya Pradesh and Uttar Pradesh shall extend full co-operation to the Board and shall in particular make available to the Board the land and electric power required by it for construction purposes as expeditiously as possible.

(2) For the purposes of clause (ii) of sub-section (1), the expenditure on the Rajghat Dam shall include the expenditure incurred by the Government of Uttar Pradesh on the Rajghat Dam Project before the establishment of the Board and the Board shall determine the amount of expenditure so incurred by the Government of Uttar Pradesh and the extent to which it shall be reimbursed by the Government of Madhya Pradesh.

12. (1) Subject to the provisions of this Act and the rules, the Board shall have the power to do anything which may be necessary or expedient for the purpose of carrying out its functions under this Act.

Powers
of the
Board.

(2) Without prejudice to the generality of the foregoing provision, such power shall include the powers—

(a) to acquire, hold and dispose of such properties both movable and immovable as the Board deems necessary;

(b) to publish statistics or other information relating to the various aspects of flood control and drainage in the Betwa River Valley and the regulation of Rajghat Reservoir;

(c) to require the Governments of Uttar Pradesh and Madhya Pradesh to furnish such information as the Board may require in the discharge of its functions.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

13. (1) There shall be constituted a Fund to be called the Betwa River Board Fund and there shall be credited thereto the sums paid to the Board by the Governments of Madhya Pradesh and Uttar Pradesh and all other sums received by the Board.

Betwa
River
Board
Fund.

(2) The Fund shall be applied—

(a) for meeting the salaries, allowances and other remuneration of the officers and other employees of the Board and other administrative expenses of the Board;

(b) for meeting the expenditure on surveys and investigations undertaken by the Board;

(c) for meeting the cost of construction of the Rajghat Dam and appurtenant works;

(d) for meeting the other expenses of the Board in the discharge of its functions under this Act.

Budget.

14. The Board shall prepare in such form and at such time each year as may be prescribed its budget for the next financial year showing the estimated expenditure, the amount of expenditure which the State Governments of Madhya Pradesh and Uttar Pradesh have undertaken to provide for and forward the same to the Central Government and the said State Governments.

Annual
Report.

15. (1) The Board shall prepare in such form and at such time each year as may be prescribed its annual report giving a full account of its activities during the previous year and forward copies thereof to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

(2) The Board shall forward copies of its annual reports to the Governments of Madhya Pradesh and Uttar Pradesh.

Accounts
and
audit.

16. The accounts of the Board shall be maintained and audited in such manner as may, in consultation with the Comptroller and Auditor General of India, be prescribed.

CHAPTER V

MISCELLANEOUS

Directions by
Central Govern-
ment.

17. In the discharge of its functions, the Board shall be guided by such directions and instructions on questions of policy as may be given to it by the Central Government.

Disputes between
the
Board
and the
State
Govern-
ments.

18. If any dispute arises between the Board and the Government of Madhya Pradesh or Uttar Pradesh or both regarding any matter covered by this Act or touching or arising out of it, it shall be referred to the Central Government and the decision of the Central Government shall be final and binding on the Board and the said Governments.

Power
to enter.

19. Subject to any rules made in this behalf, any officer of the Board generally or specially authorised by the Board in this behalf may, at all reasonable times, enter upon any land or premises and there do such things as may be reasonably necessary for the purpose of lawfully carrying out any works or of making any surveys, examination or investigation, preliminary or incidental to the exercise of any power or the performance of any function by the Board under this Act:

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house, unless with the consent of the occupier thereof, without previously giving such occupier at least seven days' notice in writing of his intention to do so.

43 of 1860.

20. All members of the Board and the Executive Committee and all officers and employees of the Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act to be public servants within the meaning of section 21 of the Indian Penal Code.

Members, officers and employees of the Board to be public servants.

21. (1) No suit, prosecution or other legal proceedings shall lie against the Central Government or the Government of Madhya Pradesh or Uttar Pradesh or any member of the Board or the Executive Committee or any officer or employee of the Board for anything which is in good faith done or intended to be done under this Act or the rules or regulations.

Protection of action taken in good faith.

(2) No suit or other legal proceedings shall lie against the Board for any damage caused or likely to be caused by anything in good faith done or purported to be done under this Act or the rules or regulations and, in particular, it shall not be the responsibility of the Board to provide for relief measures necessitated by floods or by breaches and failure of works.

22. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the composition of, and the procedure to be followed, by the Executive Committee and all other matters relating to the Executive Committee, under sub-sections (2) and (5) of section 5;

(b) the powers and duties which may be exercised or discharged by the Chief Engineer of the Board, under clause (a) of sub-section (2) of section 7;

(c) the terms and conditions of service of the Chief Engineer of, and the Financial Adviser and the Secretary to, the Board, under sub-section (4) of section 7;

(d) appointment of officers and employees of the Board under sub-section (1) of section 8;

(e) the form in which and the time at which the budget and annual report of the Board shall be prepared under section 14, and sub-section (1) of section 15;

(f) the manner in which the accounts of the Board shall be maintained and audited, under section 16;

(g) the form and manner in which disputes may be referred under section 18 to the Central Government and the procedure to be followed by the Central Government for the settlement of such disputes.

Power to
make
regula-
tions.

23. (1) The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations not inconsistent with this Act and the rules, for enabling it to discharge its functions under this Act.

(2) Without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the manner in which and the purposes for which the Board may associate with itself any persons, under sub-section (5) of section 4;

(b) the powers which may be exercised and the duties which may be discharged by the Chief Engineer of the Board, under sub-section (2) (b) of section 7;

(c) the terms and conditions of service of the officers (other than the Chief Engineer of the Board, Financial Adviser and Secretary to the Board) and other employees of the Board, under sub-section (2) of section 8.

Rules
and
regula-
tions,
to be
laid
before
Parlia-
ment.

24. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, as the case may be, or both Houses agree that the rule or regulation, as the case may be, should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

THE SCHEDULE

[See section 3(f)]

DESCRIPTION OF RAJGHAT DAM

The Dam is to be built across the Betwa river about one furlong upstream of Lalitpur Chanderi Causeway at Rajghat on the river Betwa, District Lalitpur, of Uttar Pradesh. The Dam will comprise a masonry section in the river bed and earthen flanks on both sides. It will also include the earth dam to be constructed in the saddles on either side for creating a reservoir.

STATEMENT OF OBJECTS AND REASONS

River Betwa is the major tributary of the Yamuna. It flows through the States of Madhya Pradesh and Uttar Pradesh. In August, 1972, the Chief Ministers of the two States agreed to the sharing of the waters of the Betwa river at Rajghat. Thereafter the State Governments considered the various technical and engineering problems concerning the dam to be built at Rajghat and the machinery for executing the Project. By the Supplementary Agreement of the 7th December, 1973 the State Governments agreed to the setting up of a Control Board under the chairmanship of the Union Minister for Irrigation and Power. The question as to how the Board should be set up and the various technical and engineering aspects of the project were thereafter examined and considered and a final agreement in regard to the various matters was reached on the 18th August, 1975.

2. Both the State Governments are anxious that the proposed Board should have necessary powers to act independently and without any legal or other difficulties so that there is no delay in the execution of the Rajghat Dam Project. The State Governments are willing to bear the expenses in proportion to the benefits which will accrue to them. They want the Board to utilise in equal measure the services of the officers of the two States. It is, therefore, proposed to take under the control of the Union the regulation and development of the Betwa river and river valley to the extent necessary for setting up a high-powered Board with necessary powers on the lines agreed to by the State Governments. Hence this Bill.

3. The Bill seeks to provide for the establishment of a Board to be called the Betwa River Board. The Union Minister in charge of Irrigation will be the Chairman of the Board. The other members of the Board will be the Chief Ministers of Madhya Pradesh and Uttar Pradesh and Ministers of those States in charge of Irrigation and Finance. Subject to the general superintendence and control of the Board, the management of the affairs of the Board will vest in an Executive Committee consisting of officers of the two State Governments and the Central Government. The Board's functions will include the carrying out of surveys and investigations in the Betwa river valley, the preparation of a comprehensive project report and the construction of Rajghat Dam and the common carrier from the dam to irrigate areas in Madhya Pradesh and Uttar Pradesh. The expenses of the Board will be met by the Governments of Madhya Pradesh and Uttar Pradesh and those Governments will also make suitable provisions as to moneys, land facilities and electrical power for construction and all other things required by the Board.

JAGJIVAN RAM.

NEW DELHI;

The 5th December, 1975.

FINANCIAL MEMORANDUM

Clause 4(1) of the Bill provides for the establishment of the Betwa River Board. Clause 4(3) provides that the Union Minister in charge of Irrigation shall be the Chairman of the Board. Clause 5(1) provides for the constitution of an Executive Committee, the Chairman of which shall be an officer of the Central Government. Clause 9 provides for the constitution of one or more advisory committees. Clause 10 enumerates the functions of the Board. These include the carrying out of surveys and investigations in the Betwa inter-State river valley, preparation of a comprehensive project report for the construction of the Rajghat Dam and appurtenant works, and the construction of the Rajghat Dam and the common carrier from the Dam to irrigate areas in Madhya Pradesh and Uttar Pradesh.

2. The aforementioned provisions of the Bill will involve expenditure towards meeting—

(a) the salary, allowances and other remuneration of the members, officers and other employees of the Board;

(b) the other administrative expenses of the Board; and

(c) the cost of, and expenses on maintenance of the Board; and taken by the Board.

It is not possible at this stage to estimate accurately the expenditure involved. It is only after the Board finalises its project report that a fair estimate of the expenditure can be arrived at. However, all the expenditure (except the expenditure by way of travelling allowances and daily allowances which may be paid to the Chairman of the Board, Chairman of the Executive Committee or any officer of the Central Government in connection with the meetings of the Board or the Executive Committee, as the case may be) will have to be met by the Board from out of the amounts made available by the Governments of Madhya Pradesh and Uttar Pradesh.

3. The expenditure regarding travelling and daily allowances which may be paid to the Chairman of the Board, Chairman of the Executive Committee or any other Central Government officer in connection with the meetings of the Board will have to be borne by the Central Government from out of the approved budget of the concerned Departments or Ministries. This expenditure which will be of a recurring nature will depend upon the number and duration of the meetings of the Board and the Executive Committee. It is not likely to exceed Rs. 10,000 per annum. The Bill does not involve any other expenditure of a recurring or non-recurring nature.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 22 of the Bill seeks to empower the Central Government to make rules for carrying out the purposes of the legislation. The matters in respect of which rules may be made relate, *inter alia*, to the composition of, and the procedure to be followed by, the Executive Committee and all other matters relating to the Executive Committee, the terms and conditions of service of the Chief Engineer of the Board and the powers and duties which may be exercised or discharged by him, the terms and conditions of service of the Financial Adviser and the Secretary to the Betwa River Board, the appointment of officers and employees of the Board, the form in which and the time at which the budget and annual report of the Board shall be prepared, the manner in which the accounts of the Board shall be maintained and audited, and the form in which disputes may be referred under clause 18 to the Central Government and the procedure to be followed by the Central Government for the settlement of such disputes.

2. Clause 23 of the Bill empowers the Betwa River Board (with the previous approval of the Central Government) to make regulations not inconsistent with the legislation and the rules made thereunder for enabling it to discharge its functions. Such regulations may provide, *inter alia*, for the manner in which and the purposes for which the Board may associate with itself any person, the powers which may be exercised and the duties which may be discharged by the Chief Engineer of the Board, the terms and conditions of service of the officers (other than the Chief Engineer of the Board, Financial Adviser and Secretary to the Board) and other employees of the Board.

3. The matters in respect of which rules or regulations may be made under the aforementioned provisions pertain to procedure or administrative detail and as such, the delegation of legislative power under those provisions is of a normal character.

BILL No. 1 OF 1976

A Bill further to amend the Delhi Development Act, 1957.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows :—

Short
title.

1. This Act may be called the Delhi Development (Amendment) Act, 1976.

Amend-
ment of
section
56.

2. In the Delhi Development Act, 1957 (hereinafter referred to as the principal Act), in section 56, in sub-section (2), after clause (c), the following clause shall be inserted, namely :—

61 of 1957.

“(cc) travelling and other allowances of the members of the Advisory Council except those of the *ex-officio* member and such other members as are Government servants;”.

Amend-
ment of
section
57.

3. In sub-section (4) of section 57 of the principal Act, for the words “The Authority may, with the previous approval of the Central Government, make regulations”, the words “The Authority, with the previous approval of the Central Government, may, by notification in the Official Gazette, make regulations” shall be substituted.

Substi-
tution of
section 58.

4. For section 58 of the principal Act, the following section shall be substituted, namely :—

Laying
of rules
and
regula-
tions
before
Parlia-
ment.

“58. Every rule and every regulation made under this Act shall be laid, as soon as may be after such rule or regulation is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.”.

STATEMENT OF OBJECTS AND REASONS

The Committee on Subordinate Legislation, while scrutinising the Delhi Development (Grant of Allowances to Non-official Members of the Advisory Council) Rules, 1969, noticed that the Act does not expressly empower the framing of such rules. The Committee, therefore, recommended in their Eighth Report that an express provision should be made in the Delhi Development Act, 1957 (61 of 1957), authorising the rule-making authority to provide for regulation and payment of daily and mileage allowances to non-official members of the Advisory Council. The Bill seeks to achieve this object.

2. The Committee on Subordinate Legislation have further recommended that a provision may be made for the regulations framed under the Act to be published in the Official Gazette and that the rule-making formula in the Act should be so amended as to bring it in conformity with the revised formula regarding the laying of rules and regulations before both Houses of Parliament. The Bill also seeks to give effect to these recommendations.

NEW DELHI;

K. RAGHURAMAIAH.

The 11th December, 1975.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to insert a new clause (cc) in sub-section (2) of section 56 of the Delhi Development Act, 1957 which provides for payment of travelling and other allowances to the members of the Advisory Council except those of the *ex-officio* member and such other members as are Government servants. The recurring expenditure on this account is estimated not to exceed Rs. 4,500/- per annum. This expenditure will, however, be met out of the fund of the Delhi Development Authority. There will be no non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill empowers expressly the Central Government to make rules for payment of travelling and other allowances of the members of the Advisory Council except the *ex-officio* member and the other members who are Government servants.

The matter in respect of which rules may be made is of administrative detail and procedure, and as such, the delegation of legislative power is of normal character.

BILL NO. 4 OF 1976

A Bill further to amend the Indian Lighthouse Act, 1927.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

Short
title and
commen-
cement.

1. (1) This Act may be called the Indian Lighthouse (Amendment) Act, 1976.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
section 1.

2. In section 1 of the Indian Lighthouse Act, 1927 (hereinafter referred to as the principal Act), in sub-section (1), the word "Indian" shall be omitted.

17 of 1927.

Substitu-
tion of
the
words
"proper
officer"
for the
word
"Customs-
collector"

3. Throughout the principal Act, for the expression "Customs-collector", wherever it occurs, the expression "proper officer" shall be substituted.

4. In section 2 of the principal Act,—

(i) clause (a) shall be omitted;

(ii) in clause (h), the word “and” occurring at the end shall be omitted;

(iii) after clause (h), the following clause shall be inserted, namely:—

“(hh) “proper officer”, in relation to any functions to be performed under this Act, means the officer of Customs who is assigned those functions by the Central Board of Excise and Customs constituted under the Central Boards of Revenue Act, 1963, and includes any person appointed by the Central Government to discharge the functions of a proper officer under this Act;”;

54 of 1963.

(iv) in clause (i), for the words and figures “Indian Merchant Shipping Act, 1923”, the words and figures “Merchant Shipping Act, 1958” shall be substituted.

21 of 1923.
44 of 1958.

5. In sub-section (1) of section 10 of the principal Act, for the words “fifty naye paise per ton”, the words “one rupee and fifty paise per ton” shall be substituted.

Amend-
ment
of sec-
tion 2.Amend-
ment of
section
10.

6. In section 12 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) For the purpose of the levy of light-dues, a ship's tonnage shall be reckoned as under the Merchant Shipping Act, 1958, for dues payable on a ship's tonnage.”;

44 of 1958.

Amend-
ment of
section
12.

(ii) in sub-section (2), for clause (a), the following clause shall be substituted, namely:—

“(a) if the ship is registered under any law for the time being in force in India or under the law of any country, other than India, being a country the ships of which are recognised or accepted by the Central Government to be of the tonnage denoted in their certificates of registry or other national papers under any order made under any enactment repealed by sub-section (1) of section 461 of the Merchant Shipping Act, 1958, and continued in force under clause (a) of sub-section (3) of that section or under any rule made under clause (b) of sub-section (2) of section 74 of the said Act (any such ship being hereafter in this section referred to as registered ship), require the owner or master or other person having possession of the ship's register or other papers denoting her tonnage to produce the same for inspection and, if such owner, master or other person refuses or neglects to produce the register or papers, as the case may be, or otherwise to satisfy the proper officer as to the tonnage of the ship, cause the ship to be measured and the tonnage to be ascertained; or”.

44 of 1958.

7. After section 19 of the principal Act and before the heading “Accounts”, the following section shall be inserted, namely:—

“19A. Fees may be charged for providing assistance to ships for calibrating their Wireless Direction Finders and for rendering other

Insertion
of new
section
19A.
Fees.

services to vessels, at such rates as the Central Government may specify in the rules made under this Act.”.

Omission
of Section
20A.

8. Section 20A of the principal Act and the heading “DELEGATION OF POWERS” occurring before that section shall be omitted.

Amend-
ment of
Section 21.

9. In section 21 of the principal Act,—

(i) in sub-section (1), for the words “may make rules”, the words “may, by notification in the Official Gazette, make rules” shall be substituted;

(ii) in sub-section (2),—

(a) in clause (c), the word “and” occurring at the end shall be omitted;

(b) after clause (c), the following clause shall be inserted, namely:—

“(cc) the rates of fees for providing assistance to ships for calibrating their Wireless Direction Finders and for rendering other services to vessels;”;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

STATEMENT OF OBJECTS AND REASONS

The Indian Lighthouse Act, 1927 consolidates and amends the law relating to the provision, maintenance and control of lighthouses by the Government of India.

2. For the purpose of maintaining or providing lighthouses for the benefit of ships, the Act empowers the Central Government to cause light-dues to be levied and collected in respect of every ship arriving at or departing from any port in India. According to section 10(1) of the Act, as amended in 1959, the maximum rate at which such dues may be levied is fifty paise per ton. This rate is not at all adequate to meet the cost of the services which have to be rendered and improvements in relation thereto. It is, therefore, proposed to raise the maximum rate to Rs. 1.50 per ton.

3. Apart from providing and maintaining lighthouses, it has also become necessary to render other assistance to ships and vessels under the Act for calibrating their wireless direction finders and for other services. It is, therefore, proposed to insert a provision in the Act for charging fees in respect of such services.

4. Section 20A of the Act provides for the delegation of powers exercisable by the Central Government under the Act to the Director-General of Shipping. As the Department of Lighthouses and Light Ships is no longer under this authority, it is proposed to omit this section.

5. It is proposed to avail of the present opportunity to make certain changes which have become necessary by reason of the repeal and replacement of the Sea Customs Act, 1878 and the Indian Merchant Shipping Act, 1923 by the Customs Act, 1962 and the Merchant Shipping Act, 1958 respectively. Accordingly, the references in the Act to the Customs-Collector under the Sea Customs Act, 1878 are proposed to be replaced by references to the proper officer as defined in the Customs Act, 1962. Likewise, it is proposed to provide that the various words and expressions used but not defined in the Act would have the same meanings as in the Merchant Shipping Act, 1958. Further, the provisions relating to ascertainment of tonnage contained in section 12 of the Act are proposed to be suitably modified so as to bring them in conformity with the provisions of the Merchant Shipping Act, 1958 and the rules made thereunder.

6. It is also proposed to avail of the present opportunity to include the usual provision for laying of rules before each House of Parliament, in section 21 of the Act relating to the power to make rules.

7. The Bill seeks to achieve the above objects.

NEW DELHI;

G. S. DHILLON.

The 10th December, 1975.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-section (1) of section 21 of the Indian Lighthouse Act, 1927, empowers the Central Government to make rules to carry out the purposes of the Act. Sub-section (2) enumerates the matters with respect to which rules may be made. Clause 9 of the Bill seeks to insert new clause (cc) in sub-section (2) to provide for rules being made for the rate of fees to be charged for providing assistance to ships for calibrating their Wireless Direction Finders and for rendering other services to vessels.

2. The matters for which rules may be made are all matters of detail. The delegation of legislative power is of normal character.

BILL No. 5 OF 1976

A Bill further to amend the Income-tax Act, 1961.

Be it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Income-tax (Amendment) Act, 1976.

(2) It shall be deemed to have come into force on the 9th day of September, 1975.

Short
title
and
com-
mence-
ment.

43 of 1961. 2. In clause (a) of sub-section (2) of section 80G of the Income-tax Act, 1961 (hereinafter referred to as the principal Act), after sub-clause (iii), following sub-clause shall be inserted, namely:—

Amend-
ment of
section
80G.

“(iii-a) the Prime Minister’s National Relief Fund; or”.

8 of 1975. 3. (1) The Income-tax (Amendment) Ordinance, 1975 is hereby repealed.

Repeal
and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The President promulgated the Income-tax (Amendment) Ordinance, 1975, on September 9, 1975, amending section 80G of the Income-tax Act, 1961, with a view to liberalising the tax treatment of donations made to the Prime Minister's National Relief Fund. Prior to this amendment, donations to the Prime Minister's National Relief Fund qualified for tax relief only to the extent such donations, together with donations to charitable institutions, local authorities and Government, did not exceed 10 per cent. of the gross total income of the donor or Rs. 2 lakhs, whichever was less. The amendment removed these ceiling limits in respect of donations to the Prime Minister's National Relief Fund and placed the said Fund on a par with the Prime Minister's Drought Relief Fund, the National Defence Fund and the Jawaharlal Nehru Memorial Fund. The effect of the amendment is that donations to the Prime Minister's National Relief Fund even in excess of the said limits will qualify for the tax concession under section 80G of the Income-tax Act, 1961.

2. The Bill seeks to replace the said Ordinance.

PRANAB MUKHERJEE.

NEW DELHI;

The 27th December, 1975.

S. L. SHAKDHER,
Secretary-General.